

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,)	
)	
v.)	CASE NO. 1:19cr59
)	
DANIEL HALE)	
)	
Defendant)	

ORDER

On March 31, 2020 the Court vacated the trial date of June 22, 2020 in this case and set it for status on May 8, 2020.

This Order follows to explain the Court's reasoning. The Grand Jury returned a Superseding Indictment against the Defendant on May 9, 2019. He is presently on conditions of release and the Court has previously found that the case is exceptional under Title 18 U.S.C. § 3161, without objection. The Defendant is charged with five counts of Obtaining, Retention and Transmission, Causing the Communication of, and Disclosing National Defense Information in violation of Title 18 U.S.C. § 793(c), and (e) and § 798(a)(3), and also Theft of Government Property, and as a result a significant amount of pretrial discovery, much of it sealed under the Classified Information Protection Act (CIPA), is necessary before trial may be initiated. The parties and the Court are in the middle of CIPA-related discovery presently, wherein pleadings concerning classified materials were to be due on April 10 and May 1. The Court was to rule on those pleadings on May 15, 2020.

Pursuant to General Orders 2020-03 and 2020-07, filing deadlines in all cases have been suspended between March 17 and May 1, and therefore those pleadings have not been filed and are not anticipated. These Orders exclude from consideration for speedy trial purposes


the time period from March 17 to May 1 upon consideration of the factors in Title 18 U.S.C. § 3161(h)(7)(B).

On March 30, 2020 Virginia Governor Ralph S. Northam issued Executive Order 55 2020 (modifying EO 53), wherein he commanded, on penalty of criminal sanctions, that Virginia residents remain at home until June 10, 2020 unless specifically authorized to do otherwise. Executive Order 55 specifically precludes gatherings of ten or more persons.

Given the above circumstances, discovery and resolution of pretrial motions regarding the treatment of classified materials cannot occur in time for the parties to prepare for a trial on June 22, 2020.

Therefore, pursuant to 18 U.S.C. 3161 (h)(7)(A), the ends of justice outweigh the best interest of the public and the defendant to a speedy trial, and the June 22, 2020 trial date is **VACATED**.

It is so **ORDERED**.



Liam O'Grady
United States District Judge

Alexandria, Virginia
April 2, 2020